



MARY LOU DICKERSON

State Representative • 36th Legislative District



Issue Focus: The Initiative Process

Dear Friends,

The integrity and effectiveness of the Initiative process has been the subject of many concerns shared with me by people in our district. People are deeply worried that:

- Paid signature-gatherers from California and other states are increasingly influencing our elections.
- People aren't getting enough information about how their choices on Initiatives could affect state and local budgets and services.
- Courts are overturning Initiatives passed by a majority of the people.
- Money is playing too big a role in Initiative campaigns.

Others tell me they're concerned by the sheer number of Initiatives that are by-passing the checks and balances of the Legislative process – are we heading for 376 page voters' pamphlets like the one in Oregon's 2000 election?

I'm writing to ask your advice about how the Legislature should address these concerns. Should we try to improve the Initiative process? Or do proposed improvements actually threaten the people's basic right to enact laws at the ballot box?

You can help me sort through these challenging issues by considering the information in this newsletter and answering the enclosed survey. And please remember that you are always welcome to share your insights and feelings with me by writing my office, or by calling the Toll-free Legislative Hotline at 1-800-562-6000. I'd like to hear from you!

Sincerely,

Mary Lou Dickerson

Committees

Juvenile Justice, Co-chair
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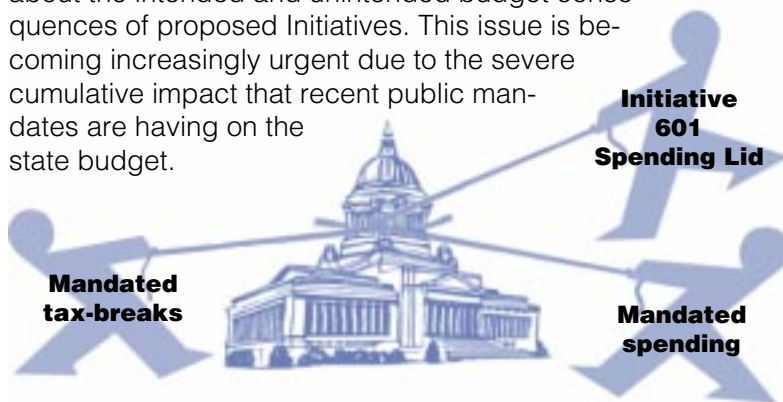
The Legislature's Internet Home Page

<http://www.leg.wa.gov>

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The budget impacts of Initiatives

People often tell me they wish they had more information about the intended and unintended budget consequences of proposed Initiatives. This issue is becoming increasingly urgent due to the severe cumulative impact that recent public mandates are having on the state budget.



Initiative 601, adopted in 1993, limits state spending by using a general-inflation + population formula. But as anyone who pays monthly bills at home knows, the costs of health care, prescription drugs, electricity and some other necessities are rising much more rapidly than general inflation. I-601 fails to account for the true costs of providing essential state services, nor does it account for voter mandates to increase spending.

Mandated tax-breaks approved by voters since 1993 will cost roughly \$2.4 *billion* in the 2001-2003 budget period – that loss equals more than 10% of the total operating budget! In just the past three years, voters have mandated \$1.15 billion in tax-relief (Ref. 49, I-695, I-722).

Mandated spending. In November, voters required the state to dedicate upwards of \$800 million of state funds to improve teacher salaries, reduce class sizes and address other education needs (I-728, I-732). The exact spending required by the education initiatives is unclear, due to vague language in I-732. It is also unclear whether the new spending for teachers' salaries should be exempt from Initiative 601's spending limits.

Each of these Initiatives might stand on its own merits, but their *combined* impact has created a serious crisis in funding for health care, long-term care, children's needs, and other vital services. We are still struggling with the agonizing choices that must be made to accommodate the voter mandates.

You can see why it is very important for citizens to understand how Initiatives choices could affect taxes, budgets and services. But this information is not available in the voters' guides that people use when making Initiative decisions.

To address this issue, some have proposed adding a clear summary of the fiscal impacts of each Initiative to the voter's pamphlet.

Out-of-state signature gatherers

Three California signature-gathering companies were paid more than \$850,000 between late May and early July last year to influence Washington's elections. One San Diegan who took part in the signature-gathering blitz said he made \$5,000 in just two weeks of cajoling state voters!

The drive-by signature-gatherers who are pouring into Washington to make a buck by meddling in our elections will not have to live with the potential consequences of their actions. We will.

This is not what our State Constitution envisioned. Our Constitution intended Initiatives to be a very powerful weapon of the people – but one that would not be used lightly. I believe the increased use of out-of-state signature-gatherers is threatening the integrity of our Initiative process, and in previous years I have introduced legislation to require signature-gatherers in state elections to be legal residents of Washington.

This is a controversial issue, because some argue that prohibiting out-of-state signature-gatherers would make it harder for even popular Initiatives to reach the ballot. But I am certain that we at least need a public hearing on the growing influence of outsiders on our elections, and we should ensure an open public discussion of the problem.



I'm pleased to announce I have been selected to serve as the first Democratic co-chair of the newly-created Juvenile Justice Committee.

2001 Issue Focus: Initiatives

Avoiding Constitutional problems

Widespread anger and frustration is the inevitable result when courts overturn Initiatives adopted by the people. We saw this when courts overturned Initiative I-695, even though the Legislature honored the public's desire to cut Motor Vehicle Excise Taxes.



Now, the recently-passed Initiative 722 (limiting taxes and fees) is facing a court challenge, and may also be overturned. How can we preserve our Constitution without triggering public resentment when decisions are overturned by the courts? A proposal I am cosponsoring would require the Attorney General to summarize Constitutional issues raised by Initiatives *before* they are passed. This way, voters would at least be alerted to potential problems before they make their decisions.

Another possible approach is to offer (not require) drafting assistance to Initiative backers. Many Constitutional (and budget) issues raised by Initiatives are due to unclear or ambiguous language. Helping Initiative backers to draft their proposals could help them – and the public – to avoid unintended Constitutional or budget consequences.

Campaign spending on Initiatives

Paul Allen spent \$6 million on his successful Initiative campaign to build the taxpayer-funded stadium for the Seahawks. Many people are surprised to hear there is *no limit* to how much a person or interest group can spend for or against Initiatives—the U.S. Supreme Court has held that any limit would infringe on the contributor's freedom of speech.



But we *can* make sure that big contributions are promptly disclosed to the public. The Public Disclosure Commission, which citizens created by Initiative in 1972 to clean up Washington's elections, is asking for a new law that would require any campaign contribution of \$1,000 or more to be reported within 24 hours. The PDC is also asking for the authority to increase fines on violators of state campaign laws. A hearing on both requests will be conducted shortly.

Survey

Our State Constitution declares that the *first* power reserved to the people is the Initiative. Because the right of Initiative is so important, the public should be involved in discussions of any proposed changes to the Initiative process. This is why it is important for me to hear your thoughts on the following questions.

Please circle the answers that best reflect your own views. When you're done, please refold the page so my address is showing, add a stamp, and drop it in the mail. Thank you very much for your help!

1. *Should the Legislature require people who gather signatures for state Initiative petitions to be legal residents of Washington?*
Yes No Don't know
2. *Should the official voters' pamphlet include an objective statement of how each proposed Initiative is expected to affect state taxes and spending? The statement would be prepared by the state Office of Financial Management.*
Yes No Don't know
3. *Should the official voters' pamphlet include a summary of Constitutional issues that could arise if an Initiative is adopted? The summary would be written by the state Attorney General.*
Yes No Don't know
4. *The Public Disclosure Commission has asked the Legislature to require that all campaign contributions of \$1,000 or more be reported to the public within 24 hours. Should the Legislature enact this requirement?*
Yes No Don't know
5. *Should the state offer voluntary drafting assistance to authors of Initiatives in order to help the authors avoid language that creates unintended consequences?*
Yes No Don't know
6. *When the public enacts an Initiative that requires an increase in state spending, should the increased spending be exempt from the 1993 spending limits set by Initiative 601?*
Yes No Don't know



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Representative
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Olympia, WA 98504-0600

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36th District Day!

Please join Jeanne Kohl-Welles, Helen Sommers and myself at our annual 36th District Day in the Legislature, on February 19th. It's good fun and educational too.

We'll assemble in the North foyer of the John A. Cherberg Building for a 10:30 a.m. tour, and for lunch in the A, B and C conference rooms of the same building. Bus rides are available. Please join us! For more information, contact Geoff Guillory at (360) 786-7670.

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